

W.R. HENDERSON CONSTRUCTION, INC.)	AGBCA Nos. 2004-135-1
)	2004-136-1
Appellant)	2004-137-1
)	2004-138-1
Representing the Appellant:)	
)	
Bert Truxal, Project Manager/Coordinator)	
W.R. Henderson Construction, Inc.)	
P.O. Box 190)	
Rexburg, Idaho 83440-0190)	
)	
Representing the Government:)	
)	
Heather R. Hinton, Esquire)	
Office of the General Counsel)	
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507 25th Street, Room 205)	
Ogden, Utah 84401)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 12, 2004

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On February 10, 2004, the Board received from W.R. Henderson Construction, Inc., of Rexburg, Idaho (contractor), a notice of appeal, regarding its contract, No. 50-9360-2-03, with the respondent, the U. S. Department of Agriculture, Forest Service (Government). Underlying this dispute is the Camp Lamoille Bridge replacement contract, administered by the SW Idaho/Nevada Acquisition Center of the Boise National Forest in Idaho. The dispute involves four claims of the contractor denied by the contracting officer in a decision dated November 25, 2003. In the claims, the contractor seeks to recover for what it describes as increased costs due to a differing site condition (AGBCA No. 2004-135-1); the Government's failure to pay for work performed, specifically under contract item 206(06) cofferdams (AGBCA No. 2004-136-1); an increased quality of a schedule item, specifically item 552(03), structural concrete, class A (AGBCA No. 2004-137-1); and additional costs due to a notice to proceed issued 105 days following the date of award (AGBCA No. 2004-138-1).

The Board has jurisdiction over these timely-filed appeals pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). Following an initial telephone conference, the Government and contractor agreed to utilize informal procedures to resolve these disputes. They engaged in successful settlement discussions. By letter dated April 8, 2004, the contractor informed the Board that the parties had entered into a settlement agreement in these four appeals. The parties request that the matters be dismissed with prejudice.

DECISION

Given the request of the parties, the Board dismisses with prejudice these appeals.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
April 12, 2004